

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Mitchell W. MUTZ et al.

Confirmation No.: 5529

Serial No.: 10/040,926

Group Art Unit: 1651

Filing Date: December 28, 2001

Examiner: Ralph J. GITOMER

Title: FOCUSED ACOUSTICS FOR DETECTION AND SORTING OF FLUID VOLUMES (as amended)

**STATEMENT IN RESPONSE TO THE
NOTICES OF ALLOWANCE AND ALLOWABILITY****Mail Stop ISSUE FEE**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants are providing the Office with this Statement in Response to the Notices of Allowance and Allowability, both mailed from the Office on July 29, 2004, to clarify two discrepancies present in the official file. The first discrepancy relates to the allowance of claims 10 and 11 and the second discrepancy relates to the title of this application.

The following facts relate to claims 10 and 11:

On December 28, 2001, the instant application was filed with claims 1-66.

On September 24, 2002, a Preliminary Amendment was filed, which amended claims 1-3, 8, 9, and 12-15; added claims 67-88; and canceled claims 10, 11, and 16-66.

On May 20, 2004, an Office Action was mailed to applicants indicating that claims 1-15 and 67-88 were pending in the application.

On June 29, 2004, applicants filed an Amendment in response to the Office Action, and in the Amendment, included claims 10 and 11 in the listing of the claims and in the arguments in support of the application.

On July 29, 2004, the Notice of Allowability was mailed to applicants, indicating that claims 1-15 and 67-88 were allowed.

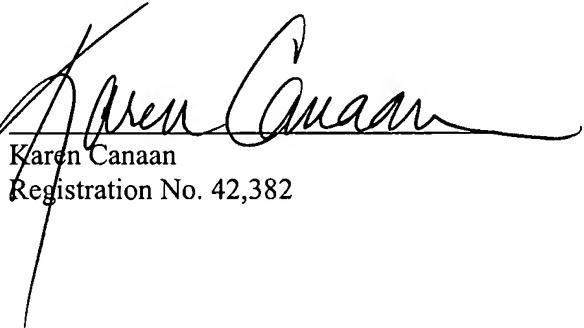
The foregoing factual scenario indicates that the Examiner never entered the cancellation of claims 10 and 11. Because these two claims were argued, examined, and allowed, applicants submit that the cancellation of these claims in the Preliminary Amendment was never effected and that these two claims are properly entered in the application.

With respect to the title of this application, applicants note that in response to the Examiner's request in the Office Action of May 20, 2004, the title of this application was changed in the Amendment filed on June 29, 2004, from "Focused Acoustic Ejection Cell Sorting System and Method" to --FOCUSED ACOUSTICS FOR DETECTION AND SORTING OF FLUID VOLUMES--. This change is not reflected in the Notice of Allowance. Applicants have indicated the title change in the Issue Fee Transmittal.

Should the Examiner wish to discuss the two issues presented in this paper, he is welcome to contact the undersigned attorney by telephone at 650-330-4913 or by e-mail at canaan@reedpatent.com.

Respectfully submitted,

By:


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